IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MINNESOTA

MINNEAPOLIS FIREFIGHTERS' RELIEF ASSOCIATION, et al.,)))
Plaintiffs,) No. 0.09 or 6224 DAM A ID
V.) No. 0:08-cv-6324 PAM AJB
MEDTRONIC, INC., et al.,)
Defendants.)

STATEMENT OF MEDTRONIC, INC., IN RESPONSE TO PLAINTIFFS' RESPONSE TO CONFIDENTIAL WITNESS #2'S OBJECTION TO CHIEF MAGISTRATE JUDGE BOYLAN'S DECEMBER 30, 2011 ORDER

On January 27, 2012, Plaintiffs filed a brief in support of Judge Boylan's order compelling Confidential Witness 2 to produce documents. (Docket #309) In that brief, Plaintiffs suggested that Medtronic is encouraging Confidential Witness 2 to withhold documents. *See, e.g.*, p. 5 ("As a result, CW2 *and Medtronic* want to deprive Plaintiffs of detecting 'what may be false evidence.") (emphasis added); p. 6 ("By voluntarily making statements about Plaintiffs' Complaint in his Declaration, on the one hand, but refusing to enable Plaintiffs to test his assertions under the cloak of the Fifth Amendment, on the other, CW2 *and Medtronic* are actively and publicly distorting what Plaintiffs claim is the truth in this case.") (emphasis added).

Medtronic submits this Response only to clarify that it has no role or position in this dispute. Medtronic has not encouraged Confidential Witness 2 in any way, directly or indirectly, to withhold documents, nor does Medtronic express any position on the merits of Confidential Witness 2's assertion of the Fifth Amendment. Confidential Witness 2 is a former Medtronic employee represented by his own separate counsel and is in no respect controlled by Medtronic.

Dated: January 31, 2012 Respectfully submitted,

/s/ Patrick S. Williams

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